

1 Jun Dam (*Pro Se*)
2 237 Kearny #9096
3 San Francisco, CA 94108
4 Phone: (415) 748-1113
5 Email: jundam@hotmail.com

The Honorable Frederick P. Corbit
Chapter 11

6 **UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF WASHINGTON**

8
9
10 In re:


11 GIGA WATT INC.,

12 Debtor
13
14
15
16

Case No. 18-03197-FPC

**DECLARATIONS OF JUN DAM,
BRYANT JOHNSON, ANDREW
BLYLER, JACQUELINE BUSSEY,
STEVE DELASSUS, KEN MCCOY,
NIVA JOHNSON, KRISHNA
KARTHIK REDDY, FILIP
SCHEPERJANS, ANDREA SHARPE,
ROGER SUTTON, MARK WEITZEL,
JESSE WHEELER, JOHN SCEVOLA**

17
18 Dated this 23rd day of October, 2020

19
20
21 
22 Jun Dam (*Pro Se*)
23 237 Kearny #9096
24 San Francisco, CA 94108
25 Phone: (415) 748-1113
26 Email: jundam@hotmail.com

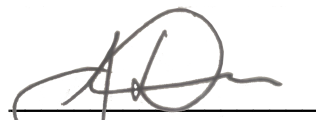
Declaration

I, Jun Dam, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of California and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I was formerly the President of the Official Committee of Unsecured Creditors (OCUC)
4. During my time on the OCUC I was allowed to see information that the Trustee and Trustee's counsel provided that clearly shows they held customer owner information inventory that indicated the following: Asset ID, Identifier, Miner Type, Room & Location, Customer Account by email address.
5. In order to prevent an OCUC objection to opening Moses Lake, Trustee and Trustee counsel sent an email to the OCUC confirming that the Moses Lake reopening did not purport to characterize ownership claims of Token Holder and miners.
6. I believe an unauthorized sale of equipment with foreknowledge of ownership details is fraud.
7. I do not believe a good faith purchase or bidding process occurred. I reached out to Trustee Waldron by email with two requests to enter a protective bid and did not receive a response.
8. The employment of Pamela Egan who drafted the sale order was not approved by the Court.
9. I believe the approval of the sale will bring additional liability to the estate and bring irreparable harm to me as a creditor of the estate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 22th, 2020.


Name

Declaration

I, Bryant Johnson, declare as follows:

1. I am 55 years old and am competent to testify to the matters below.
2. I am a citizen of the USA living in Kentucky and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 7 S9s, 6 L3+s, 7 Alphaminers, 13 D3s, 14 A5s and can fully document the sale with purchase order information (#1183: \$105,990, #4586: \$13,720, #4591: \$20,125, #1358: \$45,487, 306 LTC, or \$11,316.64 to Addresses LL6Su2FbxtqPnwCnb5QBX6CMnP46SN9ccc & LcXRBtwzqjnUG9Y4sKbdFA5yufzGvvoPZh). I also have wire transfer info and email confirmations from Giga-Watt
4. Mining equipment this was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
 - documented by email
 - this was in operation at gigawatt under a hosting agreement
 - this was in operation at Giga Watt under the whitepaper agreement
 - dashboard screenshots of mining machines with serial numbers
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 32 of my mining machines were deployed. 15 of my machines were undeployed.
9. I received miner rewards for the following cryptocurrencies: BTC, ETH, LTC and Dash hourly based on the type of machine and Giga Watt Incs website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. I made multiple attempts to get my equipment sent to me from Giga Watt Inc. by contacting Pamela Egan. I spoke with her on the phone, left messages with her voicemail and corresponded via email. As you can see from the emails below, Pamela indicated she was trying to help me & I asked how to proceed to successfully get my equipment back, but received no instruction from her indicated I could do anything other than let her help me:

-B.K. Johnson <bk_johnson@hotmail.com>

Mon 10/21/2019 1:29 PM

Hi Pamela:

Thank you for fighting for us. I'm still hopeful that I will get some of my retirement money back from the Giga-Watt scam.

I just heard that the equipment I purchased, some of which was never turned on, might not be part of what we are seeking settlement in the class action suit - that I should have filed a separate motion for my equipment, and it would have been sent to me.

Is that the case? If so, how do I proceed. If not, my apologies for the distraction.

Praying you have success,

B.K. Johnson "+"

859-444-8227

From: Pamela Egan <pegan@ckrlaw.com>

Sent: Thursday, February 21, 2019 12:28 AM

To: B.K. Johnson <bk_johnson@hotmail.com>

Subject: Re: Giga Watt, Inc.

I am trying to help you.

Pamela M. Egan

Partner

11. I received the following statement from Giga Watt Inc.: "...if you do not receive an email notification, this means that your equipment remains in the locked facilities and any further information relative to your equipment will not be known, or available, pending current legal proceedings. This also means that if you have equipment remaining at the facilities and are attempting to sell said equipment, it will not be available to access and/or ship to anyone. This should be disclosed to potential buyers for your protection."

12. As part of the chapter 11 bankruptcy, I filed timely claim successfully registered as #56 with the court documenting and registering:

- that my property had not been returned by gigawatt
- my interest in getting my equipment back

13. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

14. I continuously pursued my interest in getting my property back --- documented/ supported with:

- emails to trustee/lawyer asking about status of equipment

- participation in MINER OWNER group
- support /participate in legal actions:
- tnt sale objections
- dart motion for admin claims and declarative relief
- moses lake sale objections

15. I did not pursue additional methods of acquiring my machines because I am not an attorney and thought that Pamela Egan was acting on my behalf to get my equipment back.

16. At no time and in no way did I release or abandon claim to my property and the fact that I acted in good faith since the Giga-Watt bankruptcy proceedings began and my equipment was locked up, to attempt to negotiate the return of my property or appropriate fair compensation up to the point of, and including, the ML sale where a generous compromise was offered, as opposed to being coerced into litigating an expensive adversary proceeding, should not be twisted in bad faith to indicate that I did give up my claim.

17. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

18. I have not received adequate protection from the courts.

19. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

Bryant Johnson

Name

Declaration

I, Andrew Blyler, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of the United States of America and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 1 L3s and can fully document the sale
 - with purchase order info
4. Mining equipment this was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
 - documented by email
 - this was in operation at gigawatt under a hosting agreement for 14 months
 - this was in operation at Giga Watt under the whitepaper agreement
 - my mining machines had an identification number
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. The single mining machine was deployed.
9. I received miner rewards for the following cryptocurrencies (Bitcoin, Litecoin, Ethereum, Dash, Zcash) hourly based on the type of machine and Giga Watt Inc's website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. At the time of the final Giga Watt Inc. shut down normal operations I attempted to get my equipment back by opening support tickets
 - support emails
11. I received the following statement from Giga Watt Inc.
 - we have been shipping back your equipment
 - if your request has already been processed you got an email
 - if not your screwed, the facility is locked by court order

-don't try to sell YOUR EQUIPMENT because you can't get to it now

12. As part of the chapter 11 bankruptcy, I filed timely claim documenting and registering:

- that my property had not been returned by gigawatt
- my interest in getting my equipment back

13. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

14. I continuously pursued my interest in getting my property back --- documented/ supported with:

- participation in MINER OWNER group
- tnt sale objections
- dard motion for admin claims and declarative relief
- moses lake sale objections

15. At no time and in no way did I release or abandon claim to my property

17. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

18. I have not received adequate protection from the courts.

19. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.



Andrew Blyler

I, Jackie Bussey, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of United Kingdom and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 3 S9s, 2 Alphaminers and can fully document the sale
 - with purchase order info
 - with payment-wire transfer info
 - or with other documentation of a legal sale or property transfer
4. Mining equipment this was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
 - documented by email
 - this was in operation at gigawatt under a hosting agreement for 14 months
 - this was in operation at Giga Watt under the whitepaper agreement
 - dashboard screenshots
 - my mining machines had an identification number
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 5 number of mining machines were deployed. 0 number of machines were undeployed.
9. I received miner rewards for the following cryptocurrencies (Bitcoin, Litecoin, Ethereum, Dash, Zcash) hourly based on the type of machine and Giga Watt Incs website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. At the time of the final Giga Watt Inc. shut down normal operations I attempted to get my equipment back by asking on telegram group
11. I received the following statement from Giga Watt Inc.
 - we have been shipping back your equipment

-if your request has already been processed you got an email

12. As part of the chapter 11 bankruptcy, I filed timely claim documenting and registering:

- that my property had not been returned by gigawatt
- my interest in getting my equipment back

13. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

14. I continuously pursued my interest in getting my property back --- documented/ supported with:

- emails to trustee/lawyer asking about status of equipment
- participation in MINER OWNER group
- support /participate in legal actions:
- tnt sale objections
- dart motion for admin claims and declarative relief
- moses lake sale objections

15. I did not actively pursue the machines because: of the cost of importing to the UK, and because I thought the CCWTHM miner group was handling things.

16. At no time and in no way did I release or abandon claim to my property

17. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

18. I have not received adequate protection from the courts.

19. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.



Jackie Bussey

Declaration

I, Steve Delassus, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of FRANCE and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 4 L3s, XX Alphaminers, 1 D3s and can fully document the sale
-with purchase order info 1893 ,2330 and 2199
4. Mining equipment was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
-documented by email

GigaWatt Pte. Ltd.
1 Coleman Street, The Adelphi
#08-07, Singapore
179803
payments@gigawatt.sg
www.gigawatt.sg

Gigawatt Invoice
1893



| | | | | |
|---|--|--------------------|------------------------|------------------------|
| INVOICE TO Steve Delassus 5 Silver Hill Herons wood Carrigaline, CK Ireland | SHIP TO Steve Delassus 5 Silver Hill Herons wood Carrigaline, CK Ireland | DATE 08/06/2017 | PLEASE PAY USD 0.00 | DUE DATE 08/06/2017 |
|---|--|--------------------|------------------------|------------------------|

| ACTIVITY | QTY | RATE | AMOUNT |
|---|-----|----------|----------|
| antl3b4wtt Antminer L3+ - PSU Included WTT only Batch 4 Late October | 3 | 2,399.00 | 7,197.00 |
| PAYMENT | | | 7,197.00 |
| TOTAL DUE | | | USD 0.00 |


PAID

THANK YOU.

-this was in operation at gigawatt under a hosting agreement for 14 months

-this was in operation at Giga Watt under the whitepaper agreement

-dashboard screenshots

| HARDWARE LIST | | | | | | |
|---------------|----------------|---------|-----------|----------------|--------------|---|
| S. | Name | S/N | Hash rate | Power cons., W | Connected | Pool |
| × | Antminer D3 v2 | m...613 | | 0 | Jan 06, 2018 | Antpool  Connect |
| × | L3+ | g...110 | | 0 | Feb 04, 2018 | Litecoinpool Request in progress... |
| × | L3+ | g...195 | | 0 | Feb 04, 2018 | Litecoinpool Request in progress... |
| × | L3+ | g...196 | | 0 | Feb 04, 2018 | Litecoinpool Request in progress... |
| × | L3+ | g...197 | | 0 | Feb 04, 2018 | Litecoinpool Request in progress... |

-my mining machines had an identification number :

Gigawatt.mnr11110

Gigawatt.mnr11195

gigawatt.mnr11196

gigawatt.mnr11197

5. Giga Watt Inc. was a hosting company and a custodian for my machines.

6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.

7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.

8. I received miner rewards for the following cryptocurrencies (Bitcoin, Litecoin, Ethereum, Dash, Zcash) hourly based on the type of machine and Giga Watt Inc's website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.

10. At the time of the final Giga Watt Inc. shut down normal operations I attempted to get my equipment back in January 2019 via email to "Jessica@giga-watt.com" and

11. I received the following statement from Giga Watt Inc.

Hi,

As most of you may already be aware, a formal statement was issued to customers earlier today. Unfortunately, if you are receiving this message, we are not able to ship your miners at this point in time. I will be emailing each person who has submitted a return request for their equipment, updating them on the current situation.

I apologize for the delay in response, I was told in no uncertain terms that I was not to respond to return requests placed through shipminer@giga-watt.com or submitted to me until a formal statement was issued due to legal matters, and the limited access we had to our facilities.

A formal statement has been issued, and I feel that no acknowledgement given to those who have requested their miners be returned is not the proper way to handle the situation.

We are, yet again, facing a waiting game. Once we receive further notice pending the bankruptcy, we will proceed as advised. If we regain access to our facilities and the ability to ship equipment out, those of us who are still with Giga Watt in Douglas and Grant counties will all be involved in filling those requests.

Again, I sincerely apologize for all of the frustrations that have been experienced, I wish there was more I could do for you, but it is completely out of our hands at this point in time. Again, it is just a waiting game for all of us, and we are all hoping for the best outcome possible.

Sincerely,

Jessica

--



Jessica Langis

Giga Watt, Inc - The Best Home for Your Mining

Senior Logistics Administrator

Jessica@giga-watt.com

[Stay up to date with us!](#)

12. As part of the chapter 11 bankruptcy, I filed timely claim documenting and registering:
that my property had not been returned by gigawatt

13. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

14. I continuously pursued my interest in getting my property back --- documented/ supported with:

-participation in CCWTHM

15. I did not actively pursue the machines because: As i'm based in Europe and this is a foreign country, thought the CCWTHM miner group was handling things.

16. At no time and in no way did I release or abandon claim to my property

And the fact that I acted in good faith over the last period of time to attempt to negotiate the return of my property or appropriate compensation -- up to the point of, and including, the ML sale -- where a generous compromise was offered -- as opposed to being coerced into litigating an expensive adversary proceeding-- should not be twisted in bad faith to indicate that I did give up my claim]

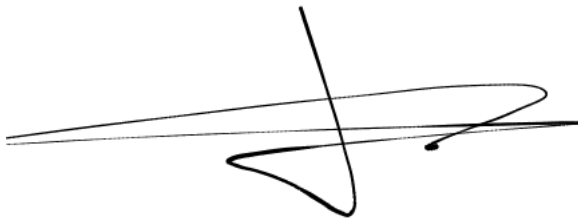
17. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

18. I have not received adequate protection from the courts.

19. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Steve Delassus

Declaration

I, Ken McCoy, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of Washington State and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment and can fully document the sale with purchase order info and with payment-wire transfer info (and as submitted in Claim #37).

Deployed Equipment:

Quantity 20 Antminer D3, GigaWatt ID:

mnr11902, mn11904, mn11908, mn11912, mn11914, mn11916, mn11898, mn11900, mn11901, mn11903, mn11906, mn11909, mn11911, mn11913, mn11915, mn11917, mn11905, mn11899, mn13700, mn13701

Purchase Cost: **\$45980.00**

Quantity 10 Antminer L3, Gigawatt ID:

mnr9207, mn9208, mn9209, mn9210, mn9211, mn9527, mn9528, mn9529, mn9530, mn9531

Purchase Cost: **\$15300.00** (510 LTC)

New Equipment (In Stores at the Giga Watt facility to be deployed):

Quantity 2 Antminer D3

Quantity 2 Antminer S9

Purchase Cost: **\$2645.00**

Note: There were an additional 20 miners purchased wherein I took delivery via UPS shipment from Giga Watt.

4. The mining equipment was delivered to Giga Watt Inc. for installation and hosting at various facilities, this was in operation at Giga Watt as per the whitepaper agreement. All of the deployed mining machines had an identification number as noted per Item 3 above
5. Giga Watt Inc. was a hosting company and a custodian for my machines. On multiple occasions the machines would break due to a faulty board, while under warranty these were sent to a local Bitmain facility in Wenatchee for repair, after the warranties had expired it was my responsibility to bear the burden of repair costs. The machine was tracked by it's unique id number and the same machine was returned to service after repair.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company own my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. Thirty of my mining machines were deployed and 4 machines remained in stores until such time as facilities were constructed and brought online.
9. I received miner rewards in the following cryptocurrencies: Bitcoin, Litecoin, and Dash, which accrued hourly based on the type of machine and was displayed on Giga Watt Inc's website dashboard which showed 'rewards' and 'hosting maintenance fees'. The dashboard was set up to transfer my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address at defined increments that I controlled.
10. At the time of the final Giga Watt Inc. shut down normal operations I attempted to get my equipment back by going to pick it up in person. It took some time to arrange a date with the facility which ended up being the weekend prior to Thanksgiving, Nov 2018. At the time the weather had deteriorated and decided to wait until after the holidays. By that time the gates were locked due to the bankruptcy proceedings and was unable to retrieve my machines.
11. As part of the chapter 11 bankruptcy, I filed a timely claim documenting and registering (Claim #37):
 - that my property had not been returned by GigaWatt
 - my interest in getting my equipment back
12. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

13. I continuously pursued my interest in getting my property back --- documented/ supported with:

- participation in MINER OWNER group as group secretary
- support /participate in legal actions
- TNT sale objections
- Dart motion for admin claims and declarative relief

14. I did not actively pursue the machines due to high costs of legal fees, and was told the CCWTHM miner group was handling things; whereby we were told to wait and be patient, do not rock the boat by objecting to the sale, "we don't want to piss off Pam"...

15. At no time and in no way did I release or abandon claim to my property

I acted in good faith over the last period of time to attempt to negotiate the return of my property or appropriate compensation -- up to the point of, and including, the ML sale -- where a generous compromise was offered as opposed to being coerced into litigating an expensive adversary proceeding and which in no way be twisted into being in bad faith so as to infer that gave up my claim.

16. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

17. I have not received adequate protection from the courts.

18. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.



Ken McCoy

Declaration

I, Niva Johnson, declare as follows:

1. I am 79 years old and am competent to testify to the matters below.
2. I am a citizen of the USA living in Tennessee and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 3 L3+s, 7 Alphaminers, and can fully document the sale with purchase order information (#4599: \$8625,153 LTC, or \$6,484.92). I also email confirmations from Giga-Watt
4. Mining equipment this was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
 - documented by email
 - this was in operation at gigawatt under a hosting agreement
 - this was in operation at Giga Watt under the whitepaper agreement
 - dashboard screenshots of mining machines with serial numbers
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 32 of my mining machines were deployed. 15 of my machines were undeployed.
9. I received miner rewards for the following cryptocurrencies: BTC, ETH, LTC and Dash hourly based on the type of machine and Giga Watt Incs website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. I made multiple attempts to get my equipment sent to me from Giga-Watt Inc. through my son, Bryant Johnson, who contacted Pamela Egan on his and my behalf. He spoke with her on the phone, left messages with her voicemail and corresponded via email. As you can see from the emails below, Pamela indicated she was trying to help him & we asked how to proceed to successfully get our equipment back, but received no instruction from her and indicated we could do anything other than let her help us:
 - B.K. Johnson <bk_johnson@hotmail.com>

Mon 10/21/2019 1:29 PM

Hi Pamela:

Thank you for fighting for us. I'm still hopeful that I will get some of my retirement money back from the Giga-Watt scam.

I just heard that the equipment I purchased, some of which was never turned on, might not be part of what we are seeking settlement in the class action suit - that I should have filed a separate motion for my equipment, and it would have been sent to me.

Is that the case? If so, how do I proceed. If not, my apologies for the distraction.

Praying you have success,

B.K. Johnson "+"

859-444-8227

From: Pamela Egan <pegan@ckrlaw.com>

Sent: Thursday, February 21, 2019 12:28 AM

To: B.K. Johnson <bk_johnson@hotmail.com>

Subject: Re: Giga Watt, Inc.

I am trying to help you.

Pamela M. Egan

Partner

11. I received the following statement from Giga Watt Inc.: "...if you do not receive an email notification, this means that your equipment remains in the locked facilities and any further information relative to your equipment will not be known, or available, pending current legal proceedings. This also means that if you have equipment remaining at the facilities and are attempting to sell said equipment, it will not be available to access and/or ship to anyone. This should be disclosed to potential buyers for your protection."

12. As part of the chapter 11 bankruptcy, I filed timely claim successfully registered as #314 with the court documenting and registering:

- that my property had not been returned by gigawatt
- my interest in getting my equipment back

13. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

14. I continuously pursued my interest in getting my property back --- documented/ supported with:

- emails to trustee/lawyer asking about status of equipment
- participation in MINER OWNER group

- support /participate in legal actions:
- tnt sale objections
- dart motion for admin claims and declarative relief
- moses lake sale objections

15. I did not pursue additional methods of acquiring my machines because I am not an attorney and thought that Pamela Egan was acting on my behalf to get my equipment back.

16. At no time and in no way did I release or abandon claim to my property and the fact that I acted in good faith since the Giga-Watt bankruptcy proceedings began and my equipment was locked up, to attempt to negotiate the return of my property or appropriate fair compensation up to the point of, and including, the ML sale where a generous compromise was offered, as opposed to being coerced into litigating an expensive adversary proceeding, should not be twisted in bad faith to indicate that I did give up my claim.

17. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

18. I have not received adequate protection from the courts.

19. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

Nira Johnson

Name

I, Krishna Karthik Reddy, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of the U.S.A (California), and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 8 S9s, 2 L3s, 5 Alphaminers, 4 D3s and can fully document the sale.
4. Mining equipment was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 15 of the mining machines were deployed. 2 of the machines were undeployed.
9. I received miner rewards for the following cryptocurrencies (Bitcoin, Litecoin, Ethereum, Dash, Zcash) hourly based on the type of machine and Giga Watt Incs website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.
11. I continuously pursued my interest in getting my property back by being part of the motion for admin claims and declarative relief.
12. At no time and in no way did I release or abandon claim to my property
13. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.
14. I have not received adequate protection from the courts.

15. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

A handwritten signature in black ink, enclosed in a yellow rectangular box. The signature is stylized and appears to read 'Krishna Karthik Reddy'.

__Krishna Karthik Reddy__

I, Filip Scheperjans, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of FINLAND and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment: 6 L3s, and can fully document the sale
-with an invoice and payment confirmation from GigaWatt Pte. Ltd.
4. Mining equipment was delivered to Giga Watt Inc. for installation and hosting at Moses Lake
-my mining machines had an identification number:
L3+ S/N: gigawatt.mnr18378
L3+ S/N: gigawatt.mnr11080
L3+ S/N: gigawatt.mnr11082
L3+ S/N: gigawatt.mnr11083
L3+ S/N: gigawatt.mnr11084
L3+ S/N: gigawatt.mnr11085
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 6 mining machines were deployed.
9. I received miner rewards for the following cryptocurrencies (Litecoin) hourly based on the type of machine and Giga Watt Incs website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. As part of the chapter 11 bankruptcy, I filed timely claims documenting and registering:
-that my property had not been returned by gigawatt
-my interest in getting my equipment back
11. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.
12. I continuously pursued my interest in getting my property back --- documented/ supported with:

- participation in MINER OWNER group
- support /participate in legal actions:
- moses lake sale objections

13. I did not actively pursue the machines outside of the bankruptcy procedures due to the geographical distance and since I thought the CCWTHM miner group was handling things.

14. At no time and in no way did I release or abandon claim to my property

15. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, L3's are sold for over \$40-50 each.

16. I have not received adequate protection from the courts.

17. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare that the foregoing is true and correct.

Executed on October 21th, 2020.

A handwritten signature in black ink, appearing to read 'Filip Scheperjans', with a long horizontal line extending to the right.

Filip Scheperjans

Declaration In Support of Motion for Stay Pending Appeal

CREDITOR: Andrea Sharp
268 Bush Street #2520
San Francisco CA 94104
(GigaWatt username: "Clementine Fortinein")

DEBTOR: GigaWatt
1250 N Wenatchee Ave., Suite H #147
Wenatchee WA 98801

CASE NUMBER: 18-03197 FPC

October 22, 2020

I declare under penalty of perjury that everything stated herein is true and correct.

Executed on October 22, 2020.



by Andrea Sharp

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 2 of 29

I, Andrea Sharp, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.

2. I am a citizen of the United States and am one of the Appellants of this case, and I make this declaration based on personal knowledge.

3. I purchased from GigaWatt the mining equipment shown in Table I, on the dates shown in that same table, for the amounts shown in that same table.

I purchased from GigaWatt and therefore own:

Five Antminer S9s

Ten Antminer S9s

Two Alpha 200s.

Total amount I paid GigaWatt for 17 miners is 34,808 USD.

See Table I for a list of the quantity of miners I purchased, the model names, the purchase dates, and the cost.

See Table 2 for the dates five of them were deployed for credit to my account.

Receipts and payment confirmations for my 17 miners are shown in Screenshot 1, Screenshot 2, Screenshot 3, Screenshot 4, and Screenshot 5.

| Qty | Model | Date Purchased | USD Cost (including sales tax) |
|---------------------------------|--------------|-------------------|--------------------------------|
| 5 | Antminer S9s | June 28, 2017 | 8,010 |
| 10 | Antminer S9s | November 23, 2017 | 20,200 |
| 2 | Alpha 200s | December 1, 2017 | 6,598 |
| Total cost of 17 miners: 34,808 | | | |

Table I. Miner Models, Purchase Dates, and Cost

I purchased 17 miners. Five were put into operation for earnings to my account on November 17, 2017. Twelve have not been put into operation for earnings to my account; I don't know if they were put into operation for earnings to an account other than mine.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 3 of 29

See Table 2.

| Qty | Model | Date Purchased | Date of Deployment |
|-----|--------------|-------------------|--|
| 5 | Antminer S9s | June 28, 2017 | November 17, 2017 |
| 10 | Antminer S9s | November 23, 2017 | Not done so far. GigaWatt repeatedly promised that they were doing what needed to be done to deploy their hosting customers' miners. |
| 2 | Alpha 200s | December 1, 2017 | Not done so far. GigaWatt repeatedly promised that they were doing what needed to be done to deploy their hosting customers' miners. |

Table 2. Miners Purchased, Date Purchased, and Date Deployed Unless Not Deployed

4. My mining equipment was PURCHASED FROM AND delivered to GigaWatt Inc. for installation and hosting at GigaWatt's premises per contract with GigaWatt.

This is documented by:

-) Correspondence shown in Screenshot 1, Screenshot 2, Screenshot 3, Screenshot 4, and Screenshot 5. Full documentation of my purchases is provided by the receipts and correspondence shown below in Screenshot 1, Screenshot 2, Screenshot 3, Screenshot 4, and Screenshot 5. In this correspondence, GigaWatt clearly confirmed that I was and am the sole and permanent owner of my miners.
-) The five of my miners that GigaWatt did put into operation starting November 17, 2018, until they terminated support.
-) GigaWatt's white paper.
-) The identification numbers I believe GigaWatt assigned to all the miners it hosted on behalf of customers like me; I was not informed of the identification numbers of my miners.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 4 of 29

FiveMiners_SoldToAndreaSharpakaClementine49on20170628.txt
On Wed, Jun 28, 2017 at 2:13 PM, <no-reply@giga-watt.com>
wrote:
Name: Andrea Sharp
Phone: +6194666965
Email: Clementine49@
WTT holder: YES

| ID | Title | Count | Price | Amount |
|---------------------|----------------------|-------|---------|---------|
| 1 | T9 | 0 | 1323USD | 0USD |
| 3 | L3+ | 0 | 51LTC | 0LTC |
| 8 | S9 | 5 | 1602USD | 8010USD |
| 10 | PandaMiner B3 Plus 0 | | 2928USD | 0USD |
| Total: 8010USD 0LTC | | | | |

© 2017 GigaWatt

--
Customer Support
Giga Watt, Inc.
www.giga-watt.com

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the message and any attachments from your system.

Page 1

Screenshot I. Receipt For First Five S9 Antminers

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

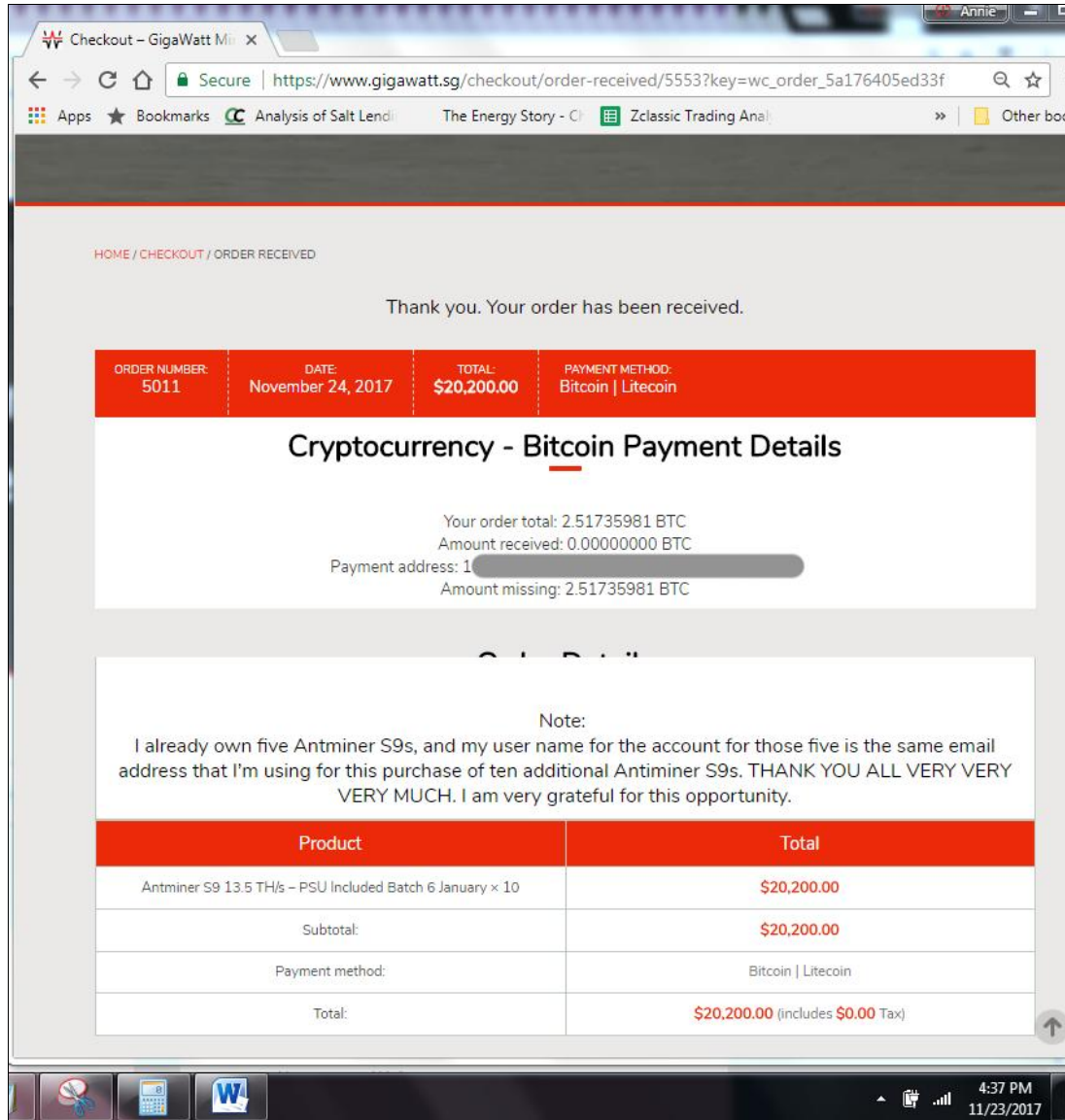
October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 5 of 29



Screenshot 2. Receipt for Ten More S9 Antminers

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 6 of 29

20171124_TenAntminerS9purchasecorrespondence.txt

On Friday, November 24, 2017 1:00 PM, GigaWatt Sales

<sales@gigawatt.sg> wrote:

Hi Annie, thanks for the message and the order. We have received your payment and completed the order, you should be getting the receipt.

There was a simple time-out error because you did not pay the full amount of 2.51735981 BTC, only 2.51635981 was received. We have paid the transaction fee for you and completed the order, thanks again.

Here is your blockchain transaction for your records ---

<https://live.blockcypher.com/btc/address/> [REDACTED]

On Fri, Nov 24, 2017 at 12:46 AM, Clementine49

<clementine49@[REDACTED]>

This is regarding order #5011, in which I sent you 2.51635981 BTC for 10 (ten) Antminer S9s.

You informed me that the order expired.

However, you didn't return the 2.51635981 BTC to me, which you did receive (see previous messages, copies of which are included below).

Please promptly refund the BTC that I sent you today, and which you received, for the 10 Antminer S9s.

The send-to address that you should use is:

1 [REDACTED]

I'd appreciate it if you'd shoot me a quick email to let me know when this is done.

Thank you very much!

Page 1

Screenshot 3. Receipt for Same Ten S9 Antminers

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 7 of 29

MINERSRECEIPT_Alpha200s_Two.txt

From:
GigaWatt <sales@gigawatt.sg>

01/29/2018 (10 months ago)
To: clementine49@[REDACTED]
Show details
= Your order details =

=====

==

ORDER NUMBER: 5326
December 1, 2017

GigaWatt Alpha 200 - PSU included January Batch Non WTT X 2 =
\$6,598.00

=====

Subtotal: \$6,598.00
Payment method: Bitcoin | Litecoin
Total: \$6,598.00 (includes \$0.00 Tax)
Cryptocurrency - Bitcoin Payment Details
Your order total:
0.66411141
BTCAmount received: 0.00000000 BTCPayment address:
1[REDACTED]

=====

==

BILLING ADDRESS

Andrea Sharp
268 Bush Street

Page 1

Screenshot 4. Receipt for Two Alpha 200s

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 8 of 29

MINERSRECEIPT_S9s_Alpha200s_GWconfirmationofpurchase.txt

----- Original Message -----

On Wednesday, February 14, 2018 2:07 AM, Support

<sales@gigawatt.sg> wrote:

##- Please type your reply above this line -##

Your request (10512) has been updated. To add additional comments, reply to this email.

Shae (Giga Watt, Inc.)

Feb 13, 10:07 PM PST

Hi Andreas,

Thank you for your message.

I do see your orders for 2 Alpha 200 miners as well as 10 S9 miners purchased in batch 6 of the hardware sale. All hardware has arrived at our facility and is awaiting deployment. Your S9 miners are expected to begin deployment phases come March/April once power is available.

Thank you,

Giga Watt, Inc

IMPORTANT: For the fastest service, always reply to the email thread of your assigned ticket and make sure the ticket number is included in your subject line. Generating additional tickets by starting new emails will result in slower service and response times.

Page 1

Screenshot 5. Receipt for Same Two Alpha 200s and Ten S9s

5. Giga Watt Inc. was a hosting company and a custodian for my machines.

6. GigaWatt, Inc., did not have any ownership interest in my machines and no one at GigaWatt, Inc., ever indicated to me that they believed the company owned my machines. All correspondence, advertising, and communications with, by, and from GigaWatt made it clear that GigaWatt considered me the permanent and sole owner of the miners I purchased from them.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 9 of 29

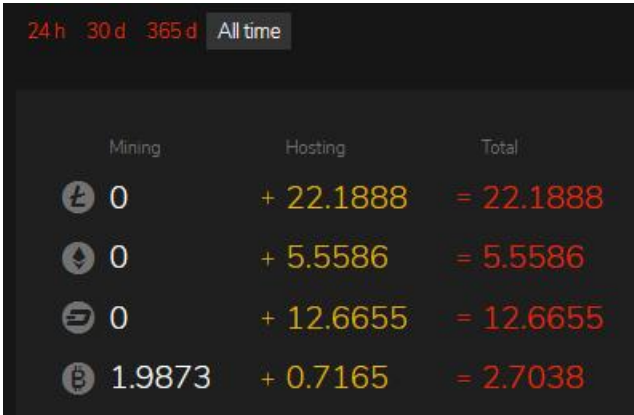
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs AND I TRIED TO SHIP THEM OUT, BUT WAS PREVENTED FROM DOING SO BY GIGAWATT. See item #10 below.

8. Five of my mining machines were deployed. Twelve my machines were undeployed.

9. I received miner rewards for the cryptocurrencies shown in Screenshot 6 and Table 3 based on the type of machine and Giga Watt Incs website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the GigaWatt Inc. website hosting wallet addresses to my own individual wallet address that I controlled.

Estimated Earnings Based on January, 2019 prices: 11,995.06 USD.

See Screenshot 6 and Table 3.



The screenshot shows a mining dashboard with a dark background. At the top, there are four tabs: '24 h', '30 d', '365 d', and 'All time'. The 'All time' tab is selected. Below the tabs is a table with three columns: 'Mining', 'Hosting', and 'Total'. The table lists earnings for four cryptocurrencies: Litecoin (LTC), Dogecoin (DOGE), Bitcoin (BTC), and Bitcoin Cash (BCH). The 'Mining' column shows zero earnings for LTC, DOGE, and BCH, and 1.9873 for BTC. The 'Hosting' column shows positive earnings for all four: +22.1888 for LTC, +5.5586 for DOGE, +12.6655 for BTC, and +0.7165 for BCH. The 'Total' column shows the sum of mining and hosting earnings: =22.1888 for LTC, =5.5586 for DOGE, =12.6655 for BTC, and =2.7038 for BCH.

| | Mining | Hosting | Total |
|---|--------|-----------|-----------|
| Ⓛ | 0 | + 22.1888 | = 22.1888 |
| Ⓛ | 0 | + 5.5586 | = 5.5586 |
| Ⓛ | 0 | + 12.6655 | = 12.6655 |
| Ⓛ | 1.9873 | + 0.7165 | = 2.7038 |

Screenshot 6. Close-Up of All-Time Earnings to January, 2019, after all earnings had stopped. (BTC Earnings from November 17, 2017; Other Coins' Earnings from December 29, 2017.)

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 10 of 29

| ESTIMATED EARNINGS FROM MINING AND TOKEN RENT | | | | | |
|--|------------------------------------|--|----------------------|---|--|
| Credited to (or deducted as fees from) my account | Source | When | Amount Earned | Approximate USD price of one coin as of Jan 27, 2019 | Approximate USD value of Amount Earned as of Jan 27, 2019 |
| BTC | Mining rewards (5 miners) | 11/17/2017 to 01/26/2019 | 1.98729617 BTC | 1 BTC: 3593.07 | 7140.49 |
| BTC (deducted for GW hosting fees) | GW's miner-hosting fees (5 miners) | 11/17/2017 to 01/26/2019 | (0.42337418) BTC | 1 BTC: 3593.07 | (1521.21) |
| Mining subtotals | | | 1.56392199 | | 5619.28 |
| BTC | WTT-token-rental earnings | 12/29/2017 to 01/14/2019 | 1.1397815 BTC | 1 BTC: 3593.07 | 4095.31 |
| DASH | WTT-token-rental earnings | 12/29/2017 to 11/11/2018 | 12.66544853 DASH | 1 DASH: 71.95 | 911.28 |
| ETH | WTT token-rental earnings | 12/29/2017 to 01/25/2019 | 5.558066356 ETH | 1 ETH: 114.96 | 638.96 |
| LTC | WTT token-rental earnings | Started Dec 29, 2017, slowed Oct 2018, stopped Dec 9, 2018 | 22.1887288 LTC | 1 LTC: 32.91 | 730.23 |
| (At CoinMarketCap.com's listed USD prices of each coin on Jan 27, 2019) TOTAL | | | | | 11,995.06 |

Table 3. Estimated Earnings as of Late January, 2019

(The amount of this estimate was credited toward the total debt owed to me, as stated in my proof of claim.)

The value of the currencies shown in Table 3 is based on market prices of January, 2019, when my Proof of Claim was submitted to the bankruptcy court. The currencies' value fluctuated a lot during the period assessed in this document. So if calculations were based on earlier prices, they'd probably be higher. This document's calculations of amounts due are also based on current market prices, so the amounts due would also probably be higher if their calculation were based on earlier prices.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 11 of 29

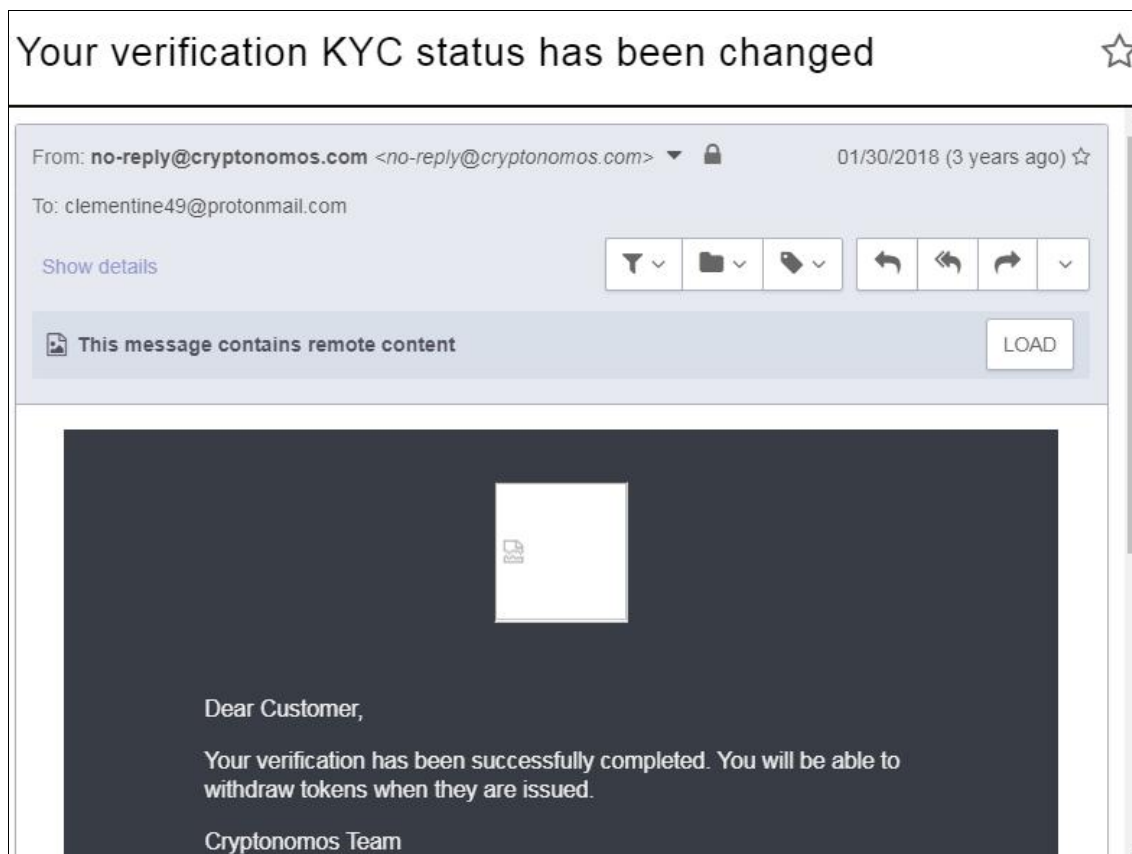
10. At the time of the final GigaWatt, Inc., shut down normal operations, I had already been attempting to get my equipment back for over a month. I explain below how GigaWatt prevented me from getting my miners away from GigaWatt.

NOTE: That GigaWatt's miner-hosting customers like me own the miners they bought from and entrusted to GigaWatt is demonstrated by the fact that throughout much of 2018, and probably in 2017 as well, GigaWatt offered to ship, and in fact did ship, miners to the miners' owners upon request. Prior to announcing bankruptcy, GigaWatt announced many times on their Telegram group that they would ship miners to their owners upon request. I mistakenly thought GigaWatt was a legitimate company, and so didn't make that request. Also in Telegram, GigaWatt started telling owners of miners not to go to GigaWatt's premises in Washington to get our miners in person.

Here's how GigaWatt prevented me from removing my miners from their premises prior to locking my miners up.

Note, it was not possible to withdraw from GigaWatt without KYC clearance. I made withdrawals after January 2018 and later that year. I would not have been able to withdraw from my GigaWatt account without KYC clearance.

KYC clearance was completed with Cryptonomos in January, 2018. See Screenshot 7.



Screenshot 7. KYC cleared on January 30, 2018.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

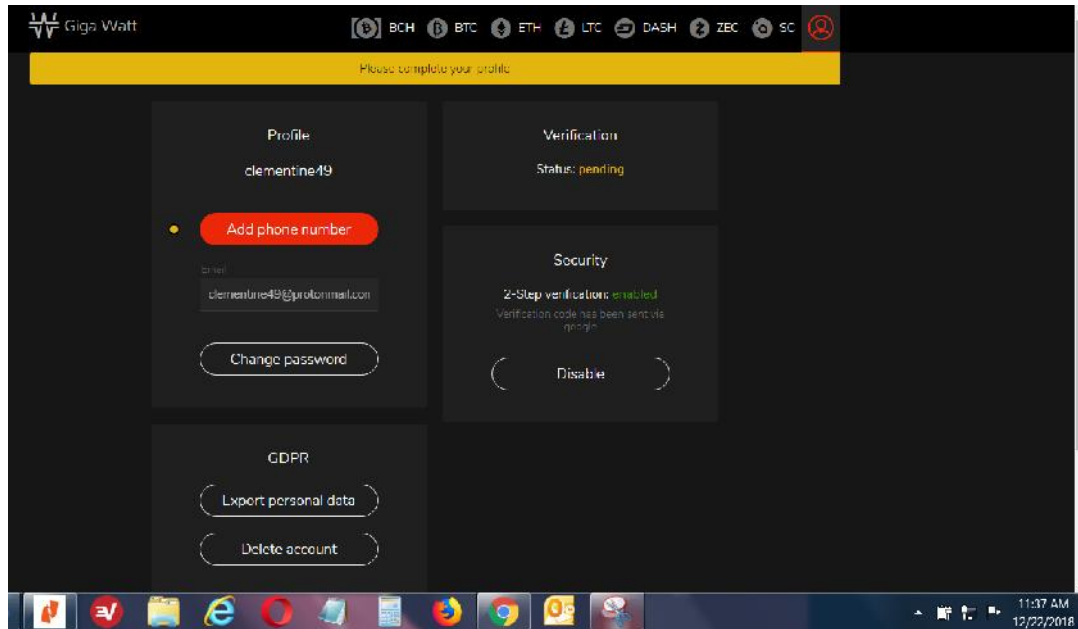
Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 12 of 29

GigaWatt must have changed my KYC status to Pending. See the Verification section in Screenshot 8. KYC status must have been changed to Pending because I would not have been able to make the withdrawals I made from my GigaWatt account without KYC clearance.



Screenshot 8. KYC status changed to Pending. I would not have been able to withdraw from my GigaWatt account without KYC clearance prior to this change, as I did several times. KYC clearance was completed with Cryptonomos in January 2018.

GigaWatt used the KYC Pending status, and a breakdown in their online system for KYC adjustments, to prevent me from removing my miners.

In November, 2018, I was told I had to go through a third party, Sum and Substance, to get the KYC Pending status removed. I communicated with both GigaWatt and Sum and Substance for over a month about this. Sum and Substance repeatedly told me that my KYC was already verified, and that only GigaWatt could update the KYC Pending status.

GigaWatt ignored this. They did not remove the KYC Pending status even though they had been informed that Sum and Substance checked and confirmed that my KYC status had always been clear.

In addition, as my email correspondence with GigaWatt shows, the GigaWatt system for updating KYC status was broken, and they dodged my very clear requests for support with replies that had nothing to do with the support request, thereby delaying the process of getting my miners shipped from them to a new hosting company.

GigaWatt never shipped my miners as I had instructed them to, and as I was authorized to for all valid reasons, including my clear KYC status.

Instead, GigaWatt did not remove the KYC Pending status, using useless excuses and thereby delayed the

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 13 of 29

shipment order I had sent them until AFTER they locked up my property.

The lockout was not announced until after it had already happened. There was no advance warning. Did GigaWatt know of no indication that this could happen in days and weeks before it did?

I had started my effort to get KYC-verified on or before December 3, 2018, when I wrote to GigaWatt for instructions.

I have the record of information I prepared that they needed for the shipment, such as:

Weight, gross: 16 kg or 35.27 lbs with PSU

Carton Dimensions: 635 x 430 x 360 mm or 24.85 x 16.93 x 14.17 in. with PSU

But a problem in GigaWatt's system prevented me from getting the KYC clearance done.

The problem was described in emails I sent to GigaWatt from December 3 to December 18, 2018.

Dec 4, 8:16 PM PST

Hello Giga-Watt,

The field for Add Phone Number defaults to "Invalid Phone Number" even when there's no data in the field.

I type my phone number 3392363396 into the blank field anyway.

But the "Invalid Phone Number" rejection doesn't go away. This is true no matter what number I type in.

Please advise.

Thanks,

Annie

Andrey and Susie replied on December 4, 5 and 6 by asking questions and making statements that were unrelated to, and didn't solve, the problem. Such as "what is the country code?" which had nothing to do with the problem. And "The link is found in your account." Which had nothing to do with the problem of their system rejecting a valid phone number as if it were invalid.

I didn't know at the time that this must have been intentional delay to keep my miners on their premises instead of releasing them to me per my request. I did not know my property could be taken away from me as this correspondence was taking place. I thought the correspondence would remove the reason I couldn't remove the erroneous KYC Pending status so that my miners could be shipped.

~~~~~  
~~~~~

From:

<[Andrea Sharp's email address not shown in this public doc]>

Monday, December 3, 2018 9:55 PM

To

Giga Watt, Inc

<support@giga-watt.com>

Size: 677 bytes

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 14 of 29

Sent

Hide details

Please send me instructions to become KYC verified. And anything/everything I would need to become KYC verified.

You must be KYC verified in order to withdraw funds and set autowithdraw

Thank you.

Annie

----- Original Message -----

On Tuesday, December 4, 2018 11:29 AM, Support <support@giga-watt.com> wrote:

Susie (Giga Watt, Inc.)

Dec 4, 7:29 AM PST

Hello Annie,

Thank you for your message. The link is found in your account <https://giga-watt.com/profile>

Regards,

Giga Watt

IMPORTANT: For the fastest service, always reply to the email thread of your assigned ticket and make sure the ticket number is included in your subject line. Generating additional tickets by starting new emails will result in slower service and response times.

NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.

Dec 4, 8:16 PM PST

Hello Giga-Watt,

The field for Add Phone Number defaults to "Invalid Phone Number" even when there's no data in the field.

I type my phone number 3392363396 into the blank field anyway.

But the "Invalid Phone Number" rejection doesn't go away. This is true no matter what number I type in.

Please advise.

Thanks,

Annie

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 15 of 29

----- Original Message -----

On Wednesday, December 5, 2018 6:31 PM, Support <support@giga-watt.com> wrote:

From:

Giga Watt, Inc<support@giga-watt.com>

Thursday, December 6, 2018 3:22 PM

To

<[Andrea Sharp's email address not shown in this public doc]>

Size: 2.6 KB

Hide details

##- Please type your reply above this line -##

Your request (21053) has been updated. To add additional comments, reply to this email.

Andrey Kuzenny (Giga Watt, Inc.)

Dec 6, 12:22 PM PST

Yes

Best Regards,

Andrey Kuzenny

6 . 2018 ., 9:04 -0800, Support <support@giga-watt.com>, :

Dec 6, 9:04 AM PST

United States.

I think that's +I isn't it?

----- Original Message -----

On Wednesday, December 5, 2018 6:31 PM, Support <support@giga-watt.com> wrote:

Andrey Kuzenny (Giga Watt, Inc.)

Dec 5, 2:30 PM PST

Hello,

What is the country code?

IMPORTANT: For the fastest service, always reply to the email thread of your assigned ticket and make sure the ticket number is included in your subject line. Generating additional tickets by starting new emails will result in slower service and response times.

NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying,

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 16 of 29

disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.

----- Original Message -----

On Thursday, December 6, 2018 4:22 PM, Support <support@giga-watt.com> wrote:

##- Please type your reply above this line -##

Your request (21053) has been updated. To add additional comments, reply to this email.

From: Andrey Kuzenny (Giga Watt, Inc.)

Dec 6, 12:22 PM PST

Yes

Best Regards,

Andrey Kuzenny

6 . 2018 ., 9:04 -0800, Support <support@giga-watt.com>, :

To:

Dec 6, 9:04 AM PST

United States.

I think that's +1 isn't it?

From:

<[Andrea Sharp's email address not shown in this public doc]>

Tuesday, December 18, 2018 9:00 PM

To

Giga Watt, Inc

<support@giga-watt.com>

Size: 2.9 KB

Sent

Hide details

Andrey,

This thread of correspondence between us started with me letting you know that when I try to complete GigaWatt's KYC steps, I am unable to because the field for Add Phone Number defaults to "Invalid Phone Number" even when there's no data in the field.

The first reply from GigaWatt asked me what the country code is.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 17 of 29

When I replied that "United States" is the answer to that question, I said, "I think that's +I, right?".

You replied, "Yes."

But I didn't write to you to find out if +I is the country code for the United States.

So I don't understand why your only answer was "Yes."

I need to finish the KYC steps, but I can't do that if I can't fill out the fields of your KYC form. And so I need to know the answer to my question. Which you already know. No idea why you haven't answered.

Please answer.

Thanks.

Nothing else.

From: <[Andrea Sharp's email address not shown in this public doc]>

Sent 12/22/2018 (2 years ago)

To: "Giga Watt, Inc"

*Subject: SumSub says KYC is all-clear but my account still says Pending
Tuesday, December 18, 2018 9:00 PM*

Dear Giga Watt Support,

I completed all the KYC steps.

*Sum and Substance, the company that handles your KYC clearances,
says I was cleared for KYC with you, December 21.*

But my Giga Watt account continues to say "Verification Status: pending."

*Sum and Substance checked it three separate times. They say it
my KYC status is complete and verified.*

They finally told me to contact you so you can fix it.

Thanks in advance for your help.

Annie

[Giga Watt, Inc.] Re: 21277 - SumSub says KYC is all-clear but my account still says Pending

From:

Giga Watt, Inc<support@giga-watt.com>

Thursday, December 27, 2018 1:02 PM

To

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 18 of 29

<[Andrea Sharp's email address not shown in this public doc]>

Size: 2.1 KB

Hide details

Please type your reply above this line

Your request (21277) has been updated. To add additional comments, reply to this email.

Drew (Giga Watt, Inc.)

Dec 27, 10:02 AM PST

Hello Annie,

Thank you for completing the steps for KYC. I have checked your account and you are now approved and verified.

If you have any other trouble please let me know.

Thank you,
Giga Watt

Subject: Initial instructions for shipping me my 17 miners

From: <[Andrea Sharp's email address not shown in this public doc]>

Friday, January 11, 2019 2:57 PM

To shipminer@giga-watt.com

<shipminer@giga-watt.com>

jessica@giga-watt.com

<jessica@giga-watt.com>

muzelac@teslawatt.com

<muzelac@teslawatt.com>

Giga Watt, Inc

<support@giga-watt.com>

Size: 1.3 KB

Sent

Hide details

Dear GigaWatt,

I have been your customer since June, 2017. My Giga-Watt customer username is .

In 2017, I purchased from you 17 miners, i.e. fifteen S9 Antminers and two Alpha 200s, along with 17 PSUs (one PSU for each miner).

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 19 of 29

Five of the S9 Antminers were activated on my account on November 17, 2012, and as far as I know, they are still activated on my account.

The remaining twelve miners have never been activated on my account.

This message is an order to you to prepare -- within five business days -- all 17 of my miners and all 17 of my PSUs for shipment to my authorized recipient.

I'm informed that:

the weight of each S9 Antminer is 10.45 pounds, including the PSUs, and

the weight of each Alpha 200 is 35.27 pounds, including the PSUs.

Please:

1. box them securely and professionally,

2. secure them properly on pallets that have dimensions of either

---a. 48x48x52 (acceptable pallet dimensions 1 of 2)

or

---b. 40x48x52 (acceptable pallet dimensions 2 of 2),

3. email me a reply to this message and let me know:

---a. the name of the authorized Giga-Watt employee or representative who will be overseeing this pick-up,

---b. the phone number of the authorized Giga-Watt employee or representative who will be overseeing this pick-up,

---c. confirmation that the 17 miners and the 17 PSUs are properly packed and properly secured to pallets,

After I receive the name, phone number, and confirmation, I will inform you of the recipient's address and the additional information you will need to coordinate with the shipping procedure that I am now setting up.

Awaiting your prompt service,

Andrea Sharp aka Annie (Giga-Watt username)

[Andrea Sharp's email address not shown in this public doc].

From:

Jessica L<jessica+canned.response@giga-watt.com>

Friday, January 11, 2019 2:57 PM

To

[Andrea Sharp's email address not shown in this public doc]

<[Andrea Sharp's email address not shown in this public doc]>

Size: 1.2 KB

Hide details

This email has failed its domain's authentication requirements. It may be spoofed or improperly forwarded! Learn more.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page **20** of **29**

This message is automatically generated as a response to a previous message.

[Learn more](#)

This message contains remote content

I will be in and out of the office during working hours,

I apologize for any delays you may experience, and I will respond to your email as soon as I am able.

****Please note, we will be closed all major US holidays.**

***Regarding any shipping inquiries, please allow 2 - 4 weeks for equipment to ship.**

I appreciate your patience during this time.

Jessica Langis

Giga Watt, Inc - The Best Home for Your Mining

Senior Logistics Administrator

Jessica@giga-watt.com

Stay up to date with us!

From:

Jessica L<jessica+canned.response@giga-watt.com>

Friday, January 11, 2019 2:57 PM

To

[Andrea Sharp's email address not shown in this public doc]

<[Andrea Sharp's email address not shown in this public doc]>

Size: 1.6 KB

[Hide details](#)

This email has failed its domain's authentication requirements. It may be spoofed or improperly forwarded! [Learn more.](#)

This message is automatically generated as a response to a previous message.

[Learn more](#)

This message contains remote content

Your request has been received by the Logistics Department, we will be in contact with you within 7 days.

Please note that our working hours are 0800 to 1700 (PST) from Monday to Friday. We regret the delay in replying over non-working hours.

All equipment returns will ship via FedEx unless otherwise requested. Shipping is to be paid by the recipient. To receive a shipping quote to your location, please visit FedEx and use 98802 as the sender zip code.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page **21** of **29**

Please allow 2 - 4 weeks for equipment to ship.

Thank you for your understanding.

Best regards,

Logistics Department

Giga-Watt

****We will be closed all major US Holidays and will respond as quickly as possible beginning the next business day.**

Jessica Langis

Giga Watt, Inc - The Best Home for Your Mining

Senior Logistics Administrator

Jessica@giga-watt.com

Stay up to date with us!

From:

Jessica L<jessica@giga-watt.com>

Tuesday, January 15, 2019 9:39 PM

To

<[Andrea Sharp's email address not shown in this public doc]>

Size: 2.5 KB

Hide details

This message contains remote content

Hi,

As most of you may already be aware, a formal statement was issued to customers earlier today. Unfortunately, if you are receiving this message, we are not able to ship your miners at this point in time. I will be emailing each person who has submitted a return request for their equipment, updating them on the current situation.

I apologize for the delay in response, I was told in no uncertain terms that I was not to respond to return requests placed through shipminer@giga-watt.com or submitted to me until a formal statement was issued due to legal matters, and the limited access we had to our facilities.

A formal statement has been issued, and I feel that no acknowledgement given to those who have requested their miners be returned is not the proper way to handle the situation.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 22 of 29

We are, yet again, facing a waiting game. Once we receive further notice pending the bankruptcy, we will proceed as advised. If we regain access to our facilities and the ability to ship equipment out, those of us who are still with Giga Watt in Douglas and Grant counties will all be involved in filling those requests.

Again, I sincerely apologize for all of the frustrations that have been experienced, I wish there was more I could do for you, but it is completely out of our hands at this point in time. Again, it is just a waiting game for all of us, and we are all hoping for the best outcome possible.

Sincerely,

Jessica

~~~~~  
~~~~~

By December 18, the problem in GigaWatt's system still had not been solved. I sent them a message on December 18 to let them know the same problem was still there.

*I corresponded with Sum and Substance several times, and they kept telling me **my KYC status was already clear. My messages show that Sum and Substance checked three separate times, but GigaWatt did not update the KYC PENDING setting on my GigaWatt account.** Sum and Substance told me to contact GigaWatt to have the problem fixed, which I had already been doing.*

*Even though I followed their instructions properly, and even though KYC had been clear all year, **my subsequent email messages show that GigaWatt continued to keep my KYC verification status in "pending."** even after I notified them that Sum and Substance, the company that handles GigaWatt 's KYC clearances, had let me know that my KYC status with GigaWatt was already clear. In addition, as the email correspondence above shows, the GigaWatt system for removing KYC Pending didn't work, and GigaWatt ignored my requests for support with the problem.*

On December 18, I notified GigaWatt that my GigaWatt account continued to say the my KYC Verification Status was pending.

On December 27, GigaWatt cleared my KYC status.

On January 11, by email, I provided GigaWatt with what they needed to ship my miners as and where I wanted them to.

All this time I still had no idea that my miners could get locked up.

On January 11, I received two replies from GigaWatt, but the requested shipment was not initiated.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 23 of 29

On January 15, I received an email from GigaWatt that said miners are all locked up and that I could not have my property.

They delayed the KYC Pending adjustment for well over a month, and until just a few days before locking my miners up with no advance warning this could happen.

GigaWatt may have been using the miners I purchased from them all this time to mine and keep the earnings for themselves.

If GigaWatt had not set my KYC status to PENDING, and had not left unsolved for so long the problem that prevented me from completing the steps for KYC clearance, I would have been able to move my miners to another hosting company in early December, and they would have been put to work soon after arriving there.

I I. I received the following statement from Giga Watt Inc.

From:

Jessica L<jessica@giga-watt.com>

Tuesday, January 15, 2019 9:39 PM

To

<[Andrea Sharp's email address not shown in this public doc]>

Size: 2.5 KB

Hide details

This message contains remote content

Hi,

As most of you may already be aware, a formal statement was issued to customers earlier today. Unfortunately, if you are receiving this message, we are not able to ship your miners at this point in time. I will be emailing each person who has submitted a return request for their equipment, updating them on the current situation.

I apologize for the delay in response, I was told in no uncertain terms that I was not to respond to return requests placed through shipminer@giga-watt.com or submitted to me until a formal statement was issued due to legal matters, and the limited access we had to our facilities.

A formal statement has been issued, and I feel that no acknowledgement given to those who have requested their miners be returned is not the proper way to handle the situation.

We are, yet again, facing a waiting game. Once we receive further notice pending the bankruptcy, we will proceed as advised. If we regain access to our facilities and the ability to ship equipment out, those of us who are still with Giga Watt in Douglas and Grant counties will all be involved in filling those requests.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 24 of 29

Again, I sincerely apologize for all of the frustrations that have been experienced, I wish there was more I could do for you, but it is completely out of our hands at this point in time. Again, it is just a waiting game for all of us, and we are all hoping for the best outcome possible.

Sincerely,

Jessica

12. As part of the chapter 11 bankruptcy, I filed a timely claim documenting and registering:

1. That my property had not been returned by GigaWatt, and
2. My valid claim for and interest in getting my equipment back.

The first draft of my claim was filed in late January, 2019, and was updated in April, 2019.

By filing a claim, I was NOT releasing any claim to my ownership of the mining machines. Rather, by filing a CLAIM, I was claiming my ownership of the equipment and tokens, and the amount of Gigawatt's debt to me.

13. The bankruptcy claim was not a release of any claim of ownership of my miners. Rather, by filing a CLAIM, I was providing proof of my ownership of the equipment and tokens, and the amount of Gigawatt's debt to me.

14. I have continuously and conscientiously pursued my interest in getting my property back --- and this is thoroughly documented/ supported with:

- Emails to and phone and conference calls with attorneys and bankruptcy officials, asking about status of the case, my investment, and my equipment.
- My proof of claim, first draft filed in January, 2019.
- Participation in a creditor group of GigaWatt-hosted miners and GigaWatt token owners.
- Support of and participation in legal actions, including payments of attorney fees.
- TNT sale objections.
- Motion for admin claims and declarative relief with Attorney Dart.
- Moses Lake sale objections.
- Filing a belated financing statement, which Trustee Waldron instructed me to withdraw because it was too late.
- Receipt and review of all the paperwork issued by Pamela Egan and other administrators of the bankruptcy.
- Among other things.

15. At no time and in no way did I ever release or abandon my full claim to all of

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 25 of 29

my property and investment.

Rather, I acted in good faith at all times to attempt to negotiate the return of my property and appropriate compensation -- up to the point of, and including, the Moses Lake sale -- where a generous compromise was offered. But in spite of complete good faith and conscientiousness, I and the other creditors like me are now being forced to litigate an expensive adversary proceeding. My conscientious, good faith, honorable trust in the bankruptcy process should not be twisted in bad faith to pretend that I gave up my claim and thereby wrongfully take my property and investment from me.

16. It would be unfair to do anything but allow me to have my mining machines shipped to a location of my choice, or allow me to sell them.

17. As all the records show, I have not received the due process and judicial protection that the courts are entrusted by the public to provide.

18. If my machines are sold, I will be immediately and irreparably harmed because I lose all future control over the use of my miners, and their true value will be destroyed by the liquidation sale the court might allow if this matter isn't steered back on to a course of justice and common sense.

19. Fees Paid To GigaWatt for Hosting Five Miners

I also paid fees to GigaWatt for hosting the five of my 17 miners that they did put into operation for my account. The total cost of fees from November 17, 2017, to December 20, 2018, is -0.42337418 BTC. The USD price of BTC ranged during that time from over 19,000 USD to about 3,200 USD. The amount of these fees was deducted from the BTC earnings discussed in this document.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 26 of 29

OTHER INFORMATION

Apparent Crimes

Crimes GigaWatt appears to have committed include:

- Misrepresentation,
- False advertising,
- Actual fraud,
- Constructive fraud,
- Accounting fraud,
- Negligence,
- Gross negligence,
- Embezzlement, and
- Other serious crimes.

Losses and Damages Caused by GigaWatt's Crimes

Losses and damages caused by GigaWatt's crimes are enumerated in the proof of claim that I filed with the bankruptcy court in January of 2019, and updated in April of 2019.

"Your Miners Are Offline" Notices

Only five of my 17 miners were put into operation.

For the five operating miners, I received at least ten notices that "...workers in your account are offline." Subject heading "Giga Watt: Problem with some workers". (Where they say "workers," they mean "miners.")

I didn't receive automatic notices when the miners were back online. I had to write to ask.

List of Offline Notices

20180111 - 3 miners are offline notice

20180111 - 1 miner is offline notice

20180121 - 3 miners are offline notice

20180315 - 1 miner is offline notice

20180315 - 4 miners are offline notice

20180322 1:09 pm- received a reply to my inquiry about status; so miners were down at least from 20180315 to 20180322.

Inquired again on 20180324.

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 27 of 29

On 20180327, received a reply that four of the miners were "back up and hashing."

20180404 - 3 miners are offline notice

20180404 - 1 miner is offline notice

20180518 - 2 miners are offline notice

20180518 - 3 miners are offline notice

20181220 - 5 miners are offline notice

Question About Negative Balance On S9 Miners

Is it possible for five robust S9 miners to go from steady positive balances for several months to negative balances when miners that are identical had no such change?

On Thursday, October 25, 2018 10:04 PM, GigaWatt <no-reply@giga-watt.com> wrote:

Unprofitable mining.

Hello,

Your miner(s) are currently utilizing more hosting fees than rewards earned over the past 24 hours. If you would like to shut off your equipment please follow the link that is attached <https://giga-watt.com/hardware> Questions? Contact us

I read posts and communicated with people online whose S9 miners at GigaWatt, which are the same as the ones I have at GigaWatt, and should be configured exactly as mine are, who said they owned S9s and that they were not "utilizing more hosting fees than rewards" but rather were generating more rewards than hosting fees.

I also read that the kind of miners that don't generate enough rewards to cover the hosting fee are called L3s and D3s. I don't own any miners of either of those brands. I purchased only the more powerful S9s and Alphas.

I let GigaWatt know that I had read and communicated with GigaWatt customers during this same time period who own S9 miners that are identical to mine and who reported that their S9 miners were generating rewards that are higher than the amount of fees, similar to amounts they earned over the past year.

I sent GigaWatt the following message on December 24, 2018.

~~~~~

*On Monday, December 24, 2018 10:38 PM, <[Andrea Sharp's email address not shown in this public doc]> wrote:*

*Dear Andrey and Giga-Watt,*

*I would have written the following message to you earlier but I'm waiting for you to update on the Giga-Watt side that Sum and Substance has cleared my KYC status with you. They completed this a few days ago, but my Giga-Watt account still says KYC is pending.*

**UNPOWERED MINERS:**

*I think the reason you un-powered my miners (as reported in your message to me below) is because you also*

## Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 28 of 29

reported to me that the hosting fees exceeded the mining rewards.

### IDENTICAL S9s NOT NEGATIVE OR DISCONNECTED

I should let you know that I know Giga-Watt customers who own S9 miners that are identical to mine and they say these S9 miners are generating rewards that are higher than the amount of fees, similar to amounts earned over the past year. They didn't receive any "negative balance" notices, and their miners are still working with a positive balance.

### BTC IN MY GIGA-WATT WALLET HAS ALWAYS BEEN MORE THAN NEGATIVE AMOUNT

Also, would like to let you know that the amount of BTC shown for the last 30 days on the front page of my account says BTC is -0.0007. But when I look at the BTC balance on the wallet page, it shows +0.00532206 BTC. So there's been more BTC in my BTC wallet than the amount of BTC that the main page says is owed to you during the time in which you un-powered my miners. (Not to mention that S9 miners are generating rewards for your other S9-miner-owner customers and haven't been disconnected.)

### COULD YOU PLEASE LET ME KNOW WHY...

According to what I've read, your procedure is to deduct BTC in customers' wallets to cover negative balances. Could you please let me know why you didn't do that in my case? Also, why you find my S9s reaching a negative balance while identical S9 miners don't?

### I ADDED ADDITIONAL BTC TO MY GIGA-WATT WALLET – SHOULD BE MORE THAN ENOUGH

In case the reason you didn't just deduct BTC from my wallet for the negative balance is because you need more than the amount of BTC that was in my wallet (i.e. 0.00532288), I added 0.01467794 BTC to my Giga-Watt BTC wallet today. That, plus the 0.00532288 BTC already there, comes to a total of 0.02000082 now in my Giga-Watt BTC wallet. Is that enough to take care of the negative BTC balance so my miners can be restored?

### SEND UPDATE/ANSWERS PLEASE

Andrey, I hope you understand your customers' justified frustrations with Giga-Watt. I regret that the enormous gratitude and loyalty I had for the Giga-Watt opportunity hasn't endured either. Many good people put so much trust and faith in you. I would welcome an honest problem-solving/brain-storming conversation with all of you about all this if it weren't too late. Maybe something like that could have prevented what is now happening, with lawsuits, bankruptcy, and opposition, from happening.

I look forward to receiving your reply.

Annie

~~~~~

On January 7, 2019, I received a reply from Andrey Kuzenny of GigaWatt which doesn't address my question. His message said:

>Rewards depends from difficulty, hosting fee (depends from BTC rate).You can always check profitability of your miner here:

<https://www.coinwarz.com/calculators/bitcoin-mining-calculator/?h=13500.00&p=1455.00&pc=0.06&pf=0.00&d=5618595848853.280000000&r=12.5000000>

Declaration of Andrea Sharp In Support of Motion for Stay Pending Appeal

October 21, 2020

Case Number: 18-03197 FPC

Debtor: GigaWatt

Creditor: Andrea Sharp

Page 29 of 29

0&er=4114.900000000&hc=0.00

>Please note that your BTC balance now : 0.02027222 , on the main dashboard page you can see only mining stats.

If you want to continue mining while mining is negative, you should have positive BTC balance.

>Regards,

>Andrey

GigaWatt's Advertised Delivery Dates

GigaWatt repeatedly promised delivery dates that were false. Screenshot 9 shows the delivery dates stated in their white paper. Many more false delivery dates were given later.

Projected Construction Timeline

3 units, 2.25 MW are available right now

- July 15, 2017: 1 Giga Pod completed, 0.75 MW
- August 1, 2017: 2 Giga Pods completed, 2.4MW
- August 15, 2017: Expansion of the unit, 0.9 MW
- September 1, 2017: 3 Giga Pods completed, 4.5 MW
- September 15, 2017: 9 Giga Pods completed, 15 MW

²² Additional WTT tokens may be sold to the public in the future as the facility capacity is increased through build outs.

20

134834324.1

Screenshot 9. One Example of Advertised Delivery Dates - May 2017 White Paper

I, **Roger Sutton**, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of United States/California and am one of the Appellants of this case, and I make this declaration based on personal knowledge.
3. I purchased the following mining equipment 1 A5 and can fully document the sale
 - with purchase order info
 - dashboard screenshots can also be proved for its operation
4. An S9 Antminer was also delivered to Giga Watt Inc. for installation and hosting at Moses Lake but was however never deployed
 - documented by email which can be provided
 - photo of shipment label can be provided
5. Giga Watt Inc. was a hosting company and a custodian for my machines.
6. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 1 A5 of mining machines were deployed. 1 S9 of machines were undeployed.
9. I received miner rewards for the following cryptocurrencies (Bitcoin, Litecoin, Ethereum, Dash, Zcash) hourly based on the type of machine and Giga Watt Inc's website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.
10. At the time of the final Giga Watt Inc. shut down normal operations I attempted to get my equipment back with communication beginning December 13 till Jan 15 with Jessica L, whom stated that Giga-Watt was not allowing machines to be returned.
 - support emails can be provided
11. I received the following statement from Giga Watt Inc.
 - "We are not able to ship your miners at this point in time and to contact their legal department."
12. As part of the chapter 11 bankruptcy, I filed timely claim documenting and registering:
 - that my property had not been returned by gigawatt
 - my interest in getting my equipment back
13. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.
14. I continuously pursued my interest in getting my property back --- documented/ supported with:
 - participation in MINER OWNER group
 - support /participate in legal actions:
 - tnt sale objections
 - dart motion for admin claims and declarative relief
 - moses lake sale objections
15. I did not actively pursue the machines because I understood there were extreme circumstances at the time and I had many correspondences with the Company inquiring for return. Furthermore, at a later

date a CCWTHM miner group was formed in hopes to represent the operators best interest and would help handle things.

16. At no time and in no way did I release or abandon claim to my property. Through my inquiry during that time period, I did in good faith was relying in the Company to offer options to return property that did not belong to them and its customers (like me) that entrusted them with their equipment. Faith to send equipment that I spent thousands of dollars was significant.

17. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

18. I have not received adequate protection from the courts.

19. If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

A handwritten signature in black ink, appearing to be 'Roger Sutton', written over a horizontal line.

Roger Sutton

Declaration

I, Mark Weitzel, declare as follows:

1. I am over the age of eighteen and am competent to testify to the matters below.

2. I am a citizen of the United States and one of the Appellants of this case, and I make this declaration based on personal knowledge.

3. I purchased the following Mining Equipment to own and use:

- 4 S9s,
- 2 L3+s,
- 8 PandaMiner B3 Plus,
- 4 Antminer D3s,
- 2 A5s

and can fully document all sales with valid purchase order numbers, dates, prices and associated payment information.

4. My Mining Equipment, at my direction:

- was delivered to Giga Watt for installation and hosting at Moses Lake, and this is fully documented in communications from Giga Watt confirming receipt and scheduling the startup date and Pod location for each miner.
- was in operation at Giga Watt for 14 months under the standard Hosting Agreement, as correctly described in the Giga Watt Whitepaper.
- was under my direct control through the private Giga Watt Customer Hosting Portal that only I had access to, and I have dashboard screenshots that confirm my 20 miners as deployed and operating, along with their assigned Giga Watt ID numbers.

5. Giga Watt was marketed and operated as a hosting company, and was a custodian for my Customer Equipment, but did not have any ownership interest in my machines, and no Giga Watt representative ever indicated in any way the erroneous belief that the company had any interest in my machines.

6. To the contrary, all actions of both parties confirmed the clear understanding that I owned my equipment. As such, I could connect or disconnect my machines at will through the private Customer Hosting Portal, and was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.

7. I received mining rewards for operating my hosted machines for the following cryptocurrencies (Bitcoin, Litecoin, Ethereum, and Dash) hourly based on the type of machine, and this information was available through the Customer Hosting dashboard. I have complete records of this mining data downloaded through the Customer Hosting Portal showing 'rewards' and hosting 'maintenance fees' that match and confirm operations as expected under the

published Hosting Agreement. Public, auditable blockchain records can confirm the transfer of these individual net mining rewards from the Giga Watt Customer Hosting dashboard wallet addresses associated with my account to my own individual wallet addresses that I controlled.

8. When Giga Watt finally shut down normal operations after the Bankruptcy filing I attempted to get my equipment back as confirmed by the records of my communications with Giga Watt support. The statement I received at that time, addressed "To All Giga Watt Customers" and signed by "Giga Watt Inc." makes the property relations absolutely clear:

- Giga Watt Inc. acknowledges it was Customer Equipment operating at the Giga Watt facilities:
 - "customers whose equipment..."
 - "your equipment remains..."
 - "relative to your equipment"
- Giga Watt Inc. did return some Customer Equipment before the lockout, ironclad evidence of ownership:
 - "shipments to customers whose equipment had already been removed from the facilities prior to lockouts."
 - "Customers will receive an email notification within the next two (2) weeks with the tracking information for their shipments"
- Giga Watt Inc. was not able to return all Customer Equipment:
 - "if you do not receive an email notification, this means that your equipment remains in the locked facilities "
- Giga Watt Inc. further confirms their understanding of my ownership of this Customer Equipment by acknowledging my right to sell it:
 - "This also means that if you have equipment remaining at the facilities and are attempting to sell said equipment, it will not be available to access and/or ship to anyone"

9. It was through no fault of my own that I was not able to get my equipment back before the shutdown, but due to failure of sufficient advance notice from Giga Watt, and I made every attempt to get information to rectify the situation:

Gigawatt support,

i'm glad to finally get this information, and i understand that you are probably not the person at the company responsible for this debacle, but this is totally outrageous:

Please note, if you do not receive an email notification, this means that your equipment remains in the locked facilities and any further information relative to your equipment will not be known, or available, pending current legal proceedings. This also means that if you have equipment remaining at the facilities and are attempting to sell said equipment, it will not be available to access and/or ship to anyone. This should be disclosed to potential buyers for your protection.

what possible reason could there be for why i wasn't notified in advance so that arrangements could be made to ship my equipment back from the facility before it was locked down?

as it stands now from my perspective this is a form of confiscation/theft of my property. what legal right can they possibly claim for failing to release it?

if giga-watt is no longer legally responsible for the facility where my equipment is now held, please send any contact information for the party which is now in charge.

this email gives no information about what process i am supposed to go through to get the equipment back.

please explain what i am supposed to do now to resolve this.

thanks

mark weitzel

10. Since I did not receive my equipment back from Giga Watt before the lockout, as a part of the chapter 11 bankruptcy, I filed timely claims documenting and registering:

- that my property had not been returned by Giga Watt
- my interest in getting my equipment back
- with all information listed above proving ownership

The language in the claim made my intent clear:

“for Miners purchased ... put in operation... and are now held at the Gigawatt facility”.

By filing this formal claim in the bankruptcy case to document that my property was held at Giga Watt, I was not releasing any claim to ownership, or agreeing in any way to the forced sale of my equipment under circumstances I don't control.

11. Throughout the bankruptcy case I continuously pursued my interest in getting my property back, or alternatively, back in operation, as demonstrated by the following actions:

- emails to the Trustee's legal representative asking about the status of my equipment, for example on 6/2/19 --"Question on Moses Lake reopening":

“Hello Pamela,

I have been receiving emails from you with updates on the various motions filed in the Gigawatt chapter 11 process -- as a MINER OWNER and TOKEN

HOLDER (50,000 WTT) -- and on that basis have filed a claim through the court's online interface as instructed.

I noticed in one of the recent filings (Two Way Agreement Motion File Packet) that there is an attempt in process to re-open the Moses Lake facility -- where all of my MINERS were previously running (until January 2019), and as far as I have been able to determine, are still being held.

I would appreciate any help or information you can provide on the current status of that effort, and who I can contact or how I can proceed to get my Miners at Moses Lake back in operation, and preferably, at the same time, to negotiate directly an individual settlement of my claim."

- Membership and active participation in the Creditors' Committee of WTT Token Holder and Miners (CCWTHM) non-profit group, formed to assist Miner Owners in collectively asserting their rights through actions such as:
 - Motions seeking Administrative expense compensation for use of our Miners
 - Declarative relief from the Court asserting our ownership of Miners
 - Objections to the TNT sale infringing our rights
 - All of the actions including this one taken to protect our rights in the proposed Moses Lake Equipment sale

12. As these actions make clear, at no time and in no way did I release or abandon any claim to my property. And my failure up to this point to file and litigate an Adversary proceeding to assert my rights should not be twisted in bad faith to indicate that I did give up any claim. On the contrary, it was the affirmative duty and legal responsibility of the Trustee to fairly address the issue of returning Customer-Owned Equipment that was effectively confiscated when Giga Watt was shutdown under Court Order, and a clear abuse of process and trust to force hundreds of property owners to be left with a crushingly expensive legal process as the only way to protect their rights.

13. While it was still a possibility, my entirely reasonable intent, as indicated in the email above, was to get my machines back in operation at a Giga Watt facility operating under some new management, since to get the most value out of specialized high-power equipment, appropriate hosting infrastructure and low-power costs are required. The fact that the TNT facility remained in operation, and was later transferred to a new owner, shows that this was a realistic possibility to explore. Failing that, as opposed to litigation, negotiating in good faith for the return of my property or appropriate compensation -- up to the point of, and including, the Moses Lake Sale, where a generous compromise was offered -- was always seen as the best option.

14. A simple remedy for this situation has always been available and is available now:

Immediately initiate an orderly and fair process to identify and validate claims for Customer Equipment, and satisfy valid claims by returning machines of equivalent

value--if the originals are unavailable--using the Moses Lake Equipment stock as the source.

15. An even better solution for this situation that will satisfy all Miner Owner claims at once is available to the court :

Approve the compromise offer of the CCWTHM group to purchase the Moses Lake Equipment according to the published Sale terms, and allow us to fairly distribute the equipment among ourselves at our own expense.

16. My clear property rights in this case have not received adequate protection from the courts.

17. If my property is sold against my will I will be immediately and irreparably harmed because in losing control of my machines most of the value will be lost in the sale. Not only the fair market value lost, as opposed to the pennies-on-the-dollar fire sale price, but also, as an applications developer, my equipment has significant use value for me considerably in excess of its forced liquidation value.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

Mark Weitzel

Mark Weitzel

I, Jesse S Wheeler, declare as follows:

I am over the age of eighteen and am competent to testify to the matters below. I am a citizen of USA/Alabama and am one of the Appellants of this case, and I make this declaration based on personal knowledge.

I purchased one (1) PandaMiner B3 and can fully document the sale with purchase order info and with email documentation of a legal sale or property transfer. My mining equipment was delivered to Giga Watt Inc. for installation and hosting at Moses Lake, was in operation at Giga Watt under the whitepaper agreement, and had an identification number

Giga Watt Inc. was a hosting company and a custodian for my machines. Giga Watt Inc. did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines. I was fully aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.

One (1) mining machine was deployed. No (0) machine was undeployed. I received miner rewards for the Ethereum, hourly based on the type of machine and the Giga Watt Inc website dashboard showed 'rewards' and hosting 'maintenance fees' and on occasion I transferred my individual net mining rewards from the Giga Watt Inc website hosting wallet addresses to my own individual wallet address that I controlled.

When my miner was offline for an extended period of time, I inquired as to the reason and was informed that miners were being moved, so I waited. Later, I discovered operations had shut down, and I was contacted by the Trustee.

As part of the chapter 11 bankruptcy, I filed timely claim documenting and registering (a) my property had not been returned by Giga Watt and (b) my interest in getting my equipment back. I do not believe that by filing a claim that I was releasing any claim to my ownership of the mining machines.

I continuously pursued and demonstrated my interest in getting my property back through emails to trustee/lawyer asking about status of equipment, participation in MINER OWNER group, and support and participation in legal actions, including "TNT sale" objections, Dart motion for administration claims and declarative relief, and Moses Lake sale objections

I did not actively pursue the machine on my own because I did not think that I could do a better job representing myself than the CCWTHM miner group could do on my behalf. I believed my best option was to pursue collective action via said miner group. At no time and in no way did I release or abandon claim to my property.

I have always acted in good faith to negotiate the return of my property or for appropriate compensation. My property is not collateral owed to a creditor, and I oppose being coerced into litigating an expensive adversary proceeding. It is an act of bad faith to suggest that I did give up my claim.

I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On Ebay, S9s and L3's are sold for over \$40-50 each and Pandaminer B3s that are equivalent to Alphaminers sell for over \$800.

I have not received adequate protection from the courts.

If the machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miner and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20th, 2020.

A handwritten signature in blue ink that reads "Jesse S Wheeler". The signature is written in a cursive, flowing style.

Jesse S Wheeler

10/21/20 Cryptocurrency Mining Equipment Ownership at GigaWatt Declaration

I, John Scevola, declare as follows:


1. I am over the age of eighteen and am competent to testify to the matters below.
2. I am a citizen of the United States, living in Oregon, and am one of the Appellants of this case, and I make the declaration based on personal knowledge.
3. I purchased the following 78 mining machines and can fully document the sale with purchase order information: 22 L3s, 54 D3s, 1 Alpha 200, 1 PandaMiner B3.
4. My mining equipment was purchased and/or delivered to GigaWatt for installation and hosting at Moses Lake. I have email documentation, dashboard screenshots, and identification numbers.
5. GigaWatt was a hosting company and a paid custodian of my machines.
6. GigaWatt did not have any ownership interest in my machines and no employees ever indicated to me that they believed the company owned my machines.
7. I was full aware that I could ship out my machines to another hosting location at any time if I paid for shipping costs.
8. 67 of my mining machines were deployed and 11 of my machines were undeployed.
9. I received miner rewards for the following cryptocurrencies (Litecoin and Dash) hourly based on the type of my machines. GigaWatt's website dashboard showed "rewards" and hosting "maintenance fees" and on occasion I transferred my individual net mining rewards from the GigaWatt website hosting wallet addresses to my own individual wallet address that I controlled.
10. At the time of the final GigaWatt shut down of normal operations I attempted to get my equipment back. I corresponded with GigaWatt's Jessica Langis about shipping arrangements of my mining equipment back to me. She wrote back (see attachment) confirming GigaWatt's records of "my inventory" and the equipment pull and shipping costs to me of \$1,688.56 (see attachment). After paying this fee the next thing I was

notified of was of GigaWatt's bankruptcy and subsequent locking up of all my equipment.

11. As part of the chapter 11 bankruptcy I filed a timely Proof of Claim #96 that my property had not been returned by GigaWatt and my interest in getting my equipment back.
12. I do not believe that by filing a claim that I was releasing any claim to my ownership of my mining machines.
13. I continuously pursued my interest in getting my property back with participation in a CCWTHM Miner Owner group, support of the Dart motion for administrative claims and declarative relief, and objections to the Moses Lake sale.
14. I did not actively pursue my machines because I thought the CCWTHM miner group, to which I had contributed \$500.00, was handling things.
15. At no time, and in no way, did I release or abandon claim to my property. After GigaWatt's bankruptcy I have not authorized anyone to use or sell my 78 mining machines.
16. I should have the opportunity to have my mining machines shipped to me or sold at reasonable prices. On eBay D3s and L3s are sold for over \$50 each and PandaMiner B3s for over \$800.
17. I have not received adequate protection from the courts.
18. If my machines are sold, I will be immediately and irreparably harmed because I will no longer have control over how to use my miners and most of the value will be lost in the liquidation sale.

I declare under penalty of perjury that the foregoing is true and correct

Executed on October 21, 2020



John Scevola



John Scevola <jscevola@gmail.com>

Ship my miners

12 messages

John Scevola <jscevola@gmail.com>

Sun, Oct 7, 2018 at 8:37 PM

To: "shipminer@giga-watt.com" <shipminer@giga-watt.com>

I would like "all" my miners, sitting in your warehouse and on your shelves shipped to me ASAP. How do we facilitate this or do I have to drive to Wenatchee to pick them up? Thank you!

John Scevola

Jessica L <jessica@giga-watt.com>

Thu, Oct 11, 2018 at 6:40 PM

To: jscevola@gmail.com

Hi John,

I would like to confirm my records on your inventory count first. Here is the information that I have:

Pre-Giga Watt .sg -- 10 L3
Order 1330 -- 4 Batch 2 D3 (Sold)
Order 2621 -- 2 Batch 4 D3 (Sold)
Order 2885 -- 25 Batch 4 D3
Order 2983 -- 18 Batch 4 D3
Order 3300 -- 1 Batch 2 Panda
Order 5577 -- 1 Batch 2 Alpha 200
Order 5705 -- 5 Batch 6 D3
Shipped to us -- 12 L3 (4 Sold)

If everything looks correct, I can generate a shipping quote for you. There will be a \$20 pull fee per deployed miner. Any equipment that has not yet been deployed will not have a pull fee. You will be responsible for shipping costs, but if you would like to pick up your equipment in person, you are welcome to. We just ask you to make an appointment ahead of time, preferably at least 72 hours in advance. We can schedule appointments anytime from Tuesday through Thursday from 11 am to 3 pm. The first available day that we have would be October 23rd.

For the shipping quote, I will need the following information from you:

Name of Recipient:
Email Address:
Your telephone #:
Your Request: (model type/quantity):
Shipment Address:
(Physical address only)

Thank you for your patience,
Jessica

[Quoted text hidden]

--



Jessica Langis
Giga Watt, Inc - The Best Home for Your Mining
Senior Logistics Administrator
jessica@giga-watt.com
Stay up to date with us!

John Scevola <jscevola@gmail.com>

Thu, Oct 11, 2018 at 8:58 PM

To: jessica@giga-watt.com

<https://mail.google.com/mail/u/0?ik=0eabad5a94&view=pt&search=all&permthid=thread-a%3Ar5435179162726390690&simpl=msg-a%3Ar69754332...> 1/4



474 Highline Dr. , Building H., East Wenatchee, Washington , 98802
jessica@giga-watt.com

Quote ID 1014
Issue Date 10/14/2018
Amount \$1,688.56

To
jscevola@gmail.com
97062
jscevola@gmail.com
-

Quote 1014

| Service | Price | Line Total |
|----------------------------|------------|------------|
| Pull Fees (67 Miners) | \$1,340.00 | \$1340.00 |
| Shipping Costs (78 miners) | \$348.56 | \$348.56 |

Sub Total \$1,688.56

TOTAL \$1,688.56

Note / Payment Terms

Pre-Giga Watt .sg -- 10 L3 ; Order 1330 -- 4 Batch
2 D3 ; Order 2621 -- 2 Batch 4 D3 ; Order 2885 --
25 Batch 4 D3 ; Order 2983 -- 18 Batch 4 D3 ;
Order 3300 -- 1 Batch 2 Panda ; Order 5577 -- 1
Batch 2 Alpha 200 ; Order 5705 -- 5 Batch 6 D3 ;
Shipped to us -- 12 L3

Thank you for mining with us!